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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Atty. Docket

DAVID W. CUCCIA

PHA 23,280A

Serial No. 09/882,080

Group Art Unit: 2614

Filed: June 15, 2001

Examiner: Brian P. Yenke

Title: INSTANT REPLAY OF DIGITAL VIDEO OPTIMIZED USING NON
MPEG FRAME TAGS

Commissioner for Patents
Alexandria, VA 22313-1450

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On: Sept. 2, 2005

By: Elissa De Luccy

APPEAL BRIEF

Sir:

The rejection of Claim 14 is hereby being appealed, which are reproduced in the attached Appendix.

1. Real Party in Interest

The real party in interest is U.S. Philips Corporation, the assignee herein.

2. Related Appeals and Interferences

The Appellant is not aware of any appeals or interferences that relate to the present application.

3. Status of all Claims

Claims 14 was submitted in the original application and is currently being appealed.

4. Status of Amendment

No Amendments were filed subsequent to the Final Rejection of June 20, 2005.

5. Summary of Claimed Subject Matter

The present invention is directed to a video decoder for providing instant replay of video that has been compressed and variable length encoded. As can be seen from Figure 2, the decoder includes a memory for storing the variable length encoded compressed video in a manner that takes advantage of the variable length encoded video by optimizing the use of the memory, as disclosed on page 7 of the present application.

As further described on page 7, a tag inserter, for inserting marker tags into each picture of the compressed video stream which reference locations in memory where each picture of the video is stored. A decompressor for decompressing the

compressed video, as described on page 8. As further described on page 8, a correlator for using the marker tags to correlate decompressed portions of the video to the location in memory of the corresponding compressed portions and for locating in the memory the nearest previously displayed anchor frame.

6. Issues To Be Reviewed on Appeal

Claim 14 stands rejected under 35 USC 103(a) as being unpatentable over Sporer et al. (U.S. Patent No. 6,167,083) in view of Andrew et al. (5,248,403) and Freeman et al. (US 20020188943).

7. Arguments

I. Claim 14 Rejection

Claim 14 stands rejected under 35 USC 103(a) as being unpatentable over Sporer et al. (U.S. Patent No. 6,167,083) in view of Andrew et al. (5,248,403) and Freeman et al. (US 20020188943).

In order to make a proper obvious rejection under 35 U.S.C. 103, MPEP Section 706.02(j) requires that the prior art reference (or references when combined) must teach or suggest all of the claim limitations. Further, either the references must expressly or impliedly suggest the claimed invention. Ex parte Clap, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985)

In view of the above, it is respectfully submitted that the combination of Sporer et al. in view of Andrew et al. and Freeman

neither teaches nor suggests all of the claim limitations. In particular, such features include "a tag inserter, for inserting marker tags into each picture of the compressed video stream which reference locations in memory where each picture of the video is stored".

In initially addressing this feature, the field index disclosed in column 9, lines 9-22, of Sporer et al. was relied on. However, in column 9, lines 23-26, it was pointed out that Sporer et al. discloses that each entry 72 of the index is a bit offset into the bitstream of the of an MPEG header which proceeds the compressed picture. Based on this, it was evident that the index of Sporer et al. was not "referencing locations in memory where each picture of the video is stored", as required by the claims. However, despite this point, the above rejection was maintained.

In maintaining this rejection, column 9, lines 9-26, and column 5, lines 36-41, of Sporer et al. was then relied on for this feature.

First of all, as previously pointed out, column 9, lines 9-26, of Sporer et al. only discloses that each entry 72 of the index is a bit offset into the bitstream of the of an MPEG header which proceeds the compressed picture. Therefore, it is evident that the index of Sporer et al. is not "referencing locations in memory where each picture of the video is stored", as required by the claims.

Further, in column 5, lines 36-41, Sporer et al. discloses that the storage system typically stores data in data files **accessible by other application programs** through the filing system of an operating system. Based on this, it is evident that the data files in the storage system of Sporer et al. are being accessed by other applications programs. Nowhere in Sporer et al. is it disclosed that the index in column 9, lines 9-26, are being used to reference the data files in the storage system.

In view of the above, it is respectfully submitted that Sporer et al. cannot be reasonably interpreted as disclosing "a tag inserter, for inserting marker tags into each picture of the compressed video stream which referencing locations in memory where each picture of the video is stored", as required by the claims. Therefore, it is respectfully submitted that this feature is distinguishable over Sporer et al. in view of Andrew et al. and Freeman et al.

It is further respectfully submitted that the combination of Sporer et al. in view of Andrew et al. and Freeman et al. also neither teaches nor suggests "a correlator for using the marker tags to correlate decompressed portions of the video to the location in memory of the corresponding compressed portions and for locating in the memory the nearest previously displayed anchor frame" as further required by Claim 14.

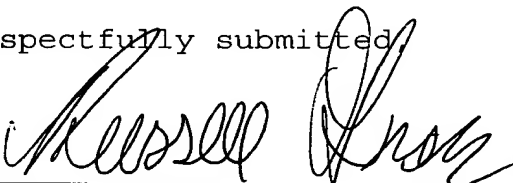
In addressing this feature in the above rejection, paragraph 115, of Freeman et al. was relied on. However, in paragraph 15,

Freeman et al. only states that to be able to reconstruct full video images, the decompressor/decoder needs to have a minimum number of I, P and B frames. However, claim 14 requires "locating in the memory the nearest previously displayed anchor frame". In paragraph 115 of Freeman et al, such a feature is not disclosed. Therefore, it is also respectfully submitted that the presently recited "correlator" is also distinguishable over Sporer et al. in view of Andrew et al. and Freeman et al.

In view of the above-described distinctions, it is respectfully submitted that the invention of Claim 14 is not made obvious ^{by} Sporer et al. in view of Andrew et al. and Freeman et al. Therefore, the Appellant respectfully requests that the final rejection of this claim be reconsidered and reversed.

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Respectfully submitted,

By 

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CLAIMS APPENDIX

14. A video decoder for providing instant replay of video that has been compressed and variable length encoded, comprising:

a memory for storing the variable length encoded compressed video in a manner that takes advantage of the variable length encoded video by optimizing the use of the memory;

a tag inserter, for inserting marker tags into each picture of the compressed video stream which reference locations in memory where each picture of the video is stored;

a decompressor for decompressing the compressed video;

a correlator for using the marker tags to correlate decompressed portions of the video to the location in memory of the corresponding compressed portions and for locating in the memory the nearest previously displayed anchor frame.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None